

RESOLUTION
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April 19, 2006

VIA EMAIL, FACSIMILE & U.S. MAIL

State Water Resources Control Board
Office of Chief Counsel
Attn: Elizabeth Miller Jennings
Senior Staff Counsel
P.O. Box 100
Sacramento, California 95812-0100

**Re: Petition of Santiago Associates, LLC to Los Angeles Regional Water
Quality Control Board Cleanup and Abatement Order No. R4-2006-0011**

Dear Ms. Jennings:

In accordance with our telephone call on Monday, attached is the petition of Santiago Associates, LLC to Los Angeles Regional Water Quality Control Board Cleanup and Abatement Order No. R4-2006-0011. Santiago Associates asks the State Board to hold this petition in abeyance in accordance with California Code of Regulations Title 23, Section 2050.5(d).

Please contact me if you have any questions.

Very truly yours,

RESOLUTION LAW GROUP, P.C.



Matthew I. Kaplan

Attch.

cc: Jonathan Bishop (LARWQCB) (w/Attch., via fax)
Hugh Marley (LARWQCB) (w/Attch., via fax)
Joyce Lee (LARWQCB) (w/Attch., via fax)

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

**PETITION FOR REVIEW
OF CLEANUP AND ABATEMENT ORDER NO. R4-2006-0011
ISSUED BY
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

Petitioner

Santiago Associates, LLC
17541 Seventeenth Street
Tustin, California 92780
Ph.: (717) 508-1777

Attorneys for Petitioner

RESOLUTION LAW GROUP, P.C.
Matthew I. Kaplan
21800 Oxnard Street
Suite 780
Woodland Hills, California 91367
Ph.: (818) 598-8340
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*Pursuant to California Code of Regulations, Title 23 § 2050.5(d), Petitioner Requests That This
Petition Be Held In Abeyance.*

Pursuant to Water Code § 13320, Santiago Associates, LLC, petitions the State Water Resources Control Board ("State Board") to rescind a Cleanup and Abatement Order issued on March 20, 2006 by the Executive Officer of the Los Angeles Regional Water Quality Control Board ("Regional Board"). The Cleanup and Abatement Order in question is formally entitled: Cleanup and Abatement Order No. R4-2006-0011 Requiring Santiago Associates, LLC to Cleanup and Abate the Effects of Contaminants Discharged to Soil and Groundwater at Paradise Ranch Mobile Home Park Upper Piru Hydrologic Subunit of the Santa Clara River Basin (the "Order").

**Information Required In Petition By California Code of Regulations,
Title 23 Section 2050(a).**

1. Name, address telephone number and email address (if available) of the petitioner.

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17541 Seventeenth Street
Tustin, California 92780
Ph.: (717) 508-1777

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2. The specific action or inaction of the regional board which the state board is requested to review and a copy of any order or resolution of the regional board which is referred to in the petition, if available. If the order or resolution of the regional board is not available, a statement shall be included giving the reason(s) for not including the order or resolution.

Cleanup and Abatement Order No. R4-2006-0011 Requiring Santiago Associates, LLC to Cleanup and Abate the Effects of Contaminants Discharged to Soil and Groundwater at Paradise Ranch Mobile Home Park Upper Piru Hydrologic Subunit of the Santa Clara River Basin (the "Order"). A copy of the Order is attached as Exhibit A to this petition.

3. The date on which the regional board acted or refused to act or on which the regional board was requested to act.

March 20, 2006

4. A full and complete statement of the reasons the action or failure to act was inappropriate or improper.

The Order contains factual inaccuracies, fails to consider relevant contrary evidence and requires unreasonable responses by the Petitioner since most demands of the Order have already been met. Further, there are insufficient factual findings to support the Regional Board's Order. Accordingly, the Regional Board abused its discretion by issuing the Order and it should be rescinded. Moreover, by acting arbitrarily, without evidentiary foundation and without the opportunity for a hearing, Petitioner was denied substantive and procedural due process as guaranteed by the Constitutions of the United States and State of California.

5. The manner in which the petitioner is aggrieved.

At this time, **there are no ongoing discharge violations of Regional Board Order No. 89-029.** Santiago Associates meets 100% of the drinking water needs of the residents of Paradise Ranch Mobile Home Park with a high quality imported potable water supply which meets all state drinking water standards. Domestic wastewater from this supply is treated and meets all discharge requirements of the Regional Board. The infiltration effluent is discharged to the groundwater basin and is already improving the water quality and reducing brine levels of the groundwater. Nevertheless, the Order would have Santiago Associates undertake a costly investigation and remediation of the groundwater basin and implement changes to a drinking water treatment system that is not in use.

6. The specific action by the state or regional board which petitioner requests.

Santiago Associates asks that the State Board accept this petition and rescind the Order. However, at this time, Santiago Associates asks that this Petition be held in abeyance in accordance with section 2050.5(d) of Chapter 6 of Division 3 of Title 23 of the California Code of Regulations. Santiago Associates has already begun a remedial investigation of the impacts, if any, from the discharges alleged to have occurred by the Regional Board. Santiago Associates only retained counsel three business days before this Petition had to be filed. Neither that counsel nor the hydrogeologist retained by that counsel has had an opportunity to familiarize themselves with the facts which lead to the issuance of the Order or prepare an appropriate response, whether a compliance program or complete challenge to the action of the Regional

Board. Santiago Associates wants to resolve this Order in the most efficient and least costly way possible, without further burdening the State Board or Regional Board or their staffs. Santiago Associates wants to work with the Regional Board to demonstrate its full compliance with all Regional Board discharge orders and satisfy the Regional Board that further action in response to the Order is unwarranted. Should that effort be unsuccessful, Santiago Associates would seek active review of this Petition by the State Board and reserves the right to supplement this petition with additional arguments and evidence should active review of this Petition by the State Board be initiated.

7. A statement of points and authorities in support of legal issues raised in the petition, including citations to documents or the transcript of the regional board hearing where appropriate.

The Order is in response to alleged "unauthorized discharges of regeneration brine from water softeners and the Paradise Ranch Mobile Home Park central ion-exchange system into the wastewater treatment plant and the effluent channel (chlorination basin) of the Park's wastewater treatment plant from 1998 through 2004." However,

- **There are no ongoing discharge violations of Regional Board Order No. 89-029.**
- **Paradise Ranch Mobile Home Park no longer allows individual residents to use home water softener systems.**
- **The central ion-exchange system has not been used since at least May 2004.**
- **All drinking water used at Paradise Ranch is high quality imported potable water, which receives sewage treatment and the effluent is allowed to infiltrate into the groundwater basin improving the groundwater quality.**

In response to the Order, on April 14, 2006, Santiago Associates retained counsel to assist in responding to the Order and identifying and addressing all Regional Board concerns in connection with the operation of Paradise Ranch Mobile Home Park in Castaic, California. On the next business day, April 17, 2006, counsel for Santiago Associates hired a consultant who is a registered geologist and certified hydrogeologist who is going to immediately begin assessing the impacts, if any, from the discharges from the facility that may impact the beneficial uses of surface and groundwater in the basin. This consultant **already has begun a remedial investigation**, and is reviewing the file documents and other technical reports related to the

hydrogeology of the area. A site inspection is scheduled to occur next week, on April 25, 2006, which will include inspection of existing groundwater wells, the waste treatment facility and the local hydrogeology and relationship of groundwater and surface waters to the local groundwater basin. Based on the initial evaluation and completion of the remedial investigation, a report will be prepared which will evaluate whether a feasibility study of remediation alternatives is warranted. However, Santiago Associates does not anticipate significant remedial action being required because all discharge violations have ceased and the condition of the groundwater basin should be improving as a result of the effluent infiltration from the imported water.

Santiago Associates has begun performing a remedial investigation and will report the results to the Regional Board. Santiago Associates also intends to meet with the Regional Board to identify and address all concerns it may have about future operations of Paradise Ranch Mobile Home Park.

8. A statement that the petition has been sent to the appropriate regional board and to the discharger, if not the petitioner.

Copies of this petition have been sent to the Regional Board to the attention of the Executive Officer and the staff persons identified on the cover letter by which the Order was served on Santiago Associates.

9. A statement that the substantive issues or objections raised in the petition were raised before the regional board, or an explanation of why the petitioner was not required or was unable to raise these substantive issues or objections before the regional board.

The Order was issued administratively by the Executive Officer of the Regional Board. Accordingly, no hearing was held and Santiago Associates has not had the opportunity to present evidence or argument on the issues raised in this Petition.

Respectfully submitted,

Dated: April 19, 2006

RESOLUTION LAW GROUP, P.C.

By: 

Matthew I. Kaplan
Attorneys for Petitioner
Santiago Associates, LLC



Dr. Alan Lloyd
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties

Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

320 W. 4th Street, Suite 200, Los Angeles, California 90013

Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>



Arnold Schwarzenegger
Governor

March 20, 2006

Mr. Richard Hall
Santiago Associates, LLC
Paradise Ranch Mobile Home Park
17541 Seventeenth Street
Tustin, CA 92780

Certified Mail
Return Receipt Requested
No. 7001 2510 0000 4661 9208

Dear Mr. Hall:

CLEANUP AND ABATEMENT ORDER NO. R4-2006-0011 FOR PARADISE RANCH MOBILE HOME PARK, CASTAIC (ORDER NO. 89-029)

Paradise Ranch Mobile Home Park (Park), located at 3620 Paradise Ranch Road in Castaic, CA, has violated the Waste Discharge Requirements (WDRs) contained in Regional Board Order No. 89-029 by discharging regeneration brine from the central ion-exchange system and reverse osmosis (RO) reject brine into the effluent channel of the wastewater treatment plant from 1998 through 2004.

Cleanup and Abatement Order (CAO) No. R4-2006-0011 (enclosed) requires that Santiago Associates, LLC implement certain measures at the Park to eliminate and abate the discharge of brine into the wastewater treatment plant and the effluent channel of the wastewater treatment plant.

This Order is issued under section 13304 of the California Water Code. The Board may impose civil penalties or seek injunctive relief in accordance with sections 13268, 13350 and 13385 of the California Water Code if Santiago Associates, LLC fails to comply with the terms and conditions of this Order. We may also request the Attorney General to take appropriate action to include injunction and civil monetary remedies, pursuant to appropriate California Water Code sections, including, but not limited to sections 13304, 13350 and 13386.

Pursuant to California Water Code section 13320, Santiago Associates, LLC may seek review of this Order by filing a petition within 30 days with the State Water Resources Control Board (SWRCB). A petition must be sent to the SWRCB, P.O. Box 100, Sacramento, CA, 95812.

The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC sections 13262, 13264, 13304, 13331, 13340 and 13386.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mr. Richard Hall
Paradise Ranch


- 2 -

March 20, 2006

Furthermore, the Regional Board may also request the United States Attorney, appropriate county District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

Please contact Mr. Hugh Marley at (213) 620-6375 or Mrs. Joyce Lee at (213) 620-6369 if you have any questions regarding this matter or are experiencing a language barrier and require help with translation.

Sincerely,



Jonathan Bishop
Executive Officer

Enclosures

cc:

Mr. Robert Sams, Office of Chief Counsel, State Water Resources Control Board
Mr. Michael Levy, Office of Chief Counsel, State Water Resources Control Board
Mr. Jim Kassel, Division of Water Quality, State Water Resources Control Board
Ms. Cindy A. Forbes, Drinking Water Field Operations Branch, Region IV, Cal.-DHS
Mr. Don Wolfe, Los Angeles County Department of Public Works

California Environmental Protection Agency



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**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
CLEANUP AND ABATEMENT ORDER NO. R4-2006-0011
REQUIRING
SANTIAGO ASSOCIATES, LLC
TO CLEANUP AND ABATE
THE EFFECTS OF CONTAMINANTS DISCHARGED TO SOIL AND GROUNDWATER AT
PARADISE RANCH MOBILE HOME PARK
UPPER PIRU HYDROLOGIC SUBUNIT OF THE SANTA CLARA RIVER BASIN**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds that:

Santiago Associates, LLC (Permittee) is alleged to have violated Board Order No. 89-029 by failing to comply with the effluent limitations prescribed therein and by making the unauthorized discharges of regeneration brine from water softeners and the Paradise Ranch Mobile Home Park's (Park) central ion-exchange system into the wastewater treatment plant and the effluent channel (chlorination basin) of the Park's wastewater treatment plant from 1998 through 2004.

Site History

1. The Park is located at 3620 Paradise Ranch Road in Castaic, California and was previously owned by Mr. Kenneth D. Smith. The Park includes a total of 342.62 acres, a 94-unit mobile home park, an office building, a recreation building, a swimming pool, a Jacuzzi, tennis courts, an inactive racetrack and a secondary wastewater treatment plant.
2. On March 27, 1989, the Regional Board adopted Order No. 89-029 allowing the Park to operate an on-site wastewater treatment plant and discharge treated effluent to a spray disposal area prescribed under Waste Discharge Requirements (WDR) and Water Recycling Requirements (WRR). The quality of the potable well water supply in the Park at the time of adopting Order No. 89-029 did not meet the water quality objectives contained in the Water Quality Control Plan (Basin Plan). Effluent limits obtained in Order No. 89-029 were adjusted to reflect the poor quality of the potable water supply wells in the Park.
3. On November 12, 1998 the Permittee acquired the Park from Mr. Kenneth D. Smith. The Permittee plans to expand the existing mobile home park to 124 units in the near future.
4. Prior to April 2001, individual water softening units were placed in the mobile homes in the Park and the regeneration brines from these units were mixed with the domestic wastewater at each residence and directly discharged into the Park's treatment plant.
5. In April 2001, the Permittee installed a centralized ion-exchange treatment system in order to improve the water supply as mandated by the California Department of Health Services. Ever since, there has been discharge of regeneration brine from the central ion-exchange treatment plant into the effluent sump (chlorination basin) of the wastewater treatment plant where it is combined with final effluent from the Paradise Ranch Wastewater Treatment Plant (PRWTP) and then disposed of by spray irrigation. In addition, a small reverse osmosis (RO) unit also discharges about 75-100 gallons per day (gpd) of RO reject water directly into the Park's

March 20, 2006

Cleanup And Abatement Order No. R4-2006-0011
Paradise Ranch Mobile Home Park

Page 2

collection system upstream of the plant. The treated water from this unit is used primarily for drinking and cooking.

6. As described in the Water Quality Control Plan for Coastal Areas of Los Angeles and Ventura Counties (Basin Plan, Table 2-2) ground waters in the Upper Piru Creek area are designated for the following beneficial uses:
 - Potential MUN (Municipal water supply)
 - Existing IND (industrial water supply)
 - Existing PROC (process water supply)
 - AGR (agricultural water supply).
7. In a letter to the Regional Board dated April 25, 2002, the Permittee revealed that it has been discharging regeneration brine from the central ion-exchange treatment plant into the effluent channel (chlorination basin) of the wastewater treatment plant prior to disposal by spray irrigation. The letter also discusses a formal application submitted to the Newhall County Water Agency to construct a water importation pipeline annexing the Park to this water agency within the next ten years in conjunction with the expansion of the park to 124 residential units.
8. On July 10, 2002, the Regional Board issued the Permittee a Notice of Violation (NOV) for violations of the effluent limitations for total dissolved solids (TDS), sulfate, chloride, boron and fluoride from the 3rd Quarter 2001 through the 1st Quarter 2002 and for unauthorized discharge of regeneration brine into the effluent channel. The NOV requested a report detailing the Permittee's plans to achieve compliance with the effluent limitations of Board Order No. 89-029.
9. On October 17, 2003 the Regional Board issued the Permittee a NOV for violations of the effluent limitations for TDS, sulfate, chloride, boron and nitrate from the 2nd Quarter 2002 through the 2nd Quarter 2003 and for unauthorized discharge of regeneration brine into the effluent channel. The NOV requested a report detailing implementation of corrective and preventative actions to bring the discharge into full compliance with effluent limitations of Board Order No. 89-029.
10. On November 5, 2003 Regional Board staff conducted a routine inspection of the Park and confirmed that brine was being discharged to the chlorination basin and then to the spray irrigation area. A copy of the October 17, 2003 NOV was hand-delivered to Mr. Frank Fiala, the Park Manager.
11. On January 6, 2004, staff from the Regional Board conducted an inspection of the Park and found that the Permittee now imports most of its potable water (approximately 17,000 gpd). RO reject brine was still being discharged into the treatment water process and regeneration brine was being discharged into the chlorination basin. Samples taken from well Nos. 10 and 16 show an overall deterioration of the groundwater quality in terms of TDS in comparison to the data reported in November 2001, and in 2002 (Source: April 17, 2001 letter, January 6, 2004 inspection report).
12. On October 28, 2004 the Regional Board responded to a November 24, 2003 letter from the Permittee and commented on the Permittee's statement that "Paradise Ranch is remote; it is not a real aquifer..." by clarifying that the groundwater system below the Park discharges into the Piru Creek Groundwater Basin and ultimately into the Santa Clara River Basin. The letter also

Cleanup And Abatement Order No. R4-2006-0011
Paradise Ranch Mobile Home Park

Page 3

informed the Permittee that the Regional Board is required by State Board Resolution No. 68-16 to prevent the degradation of groundwater.

13. On March 30, 2005, staff from the Regional Board conducted an inspection of the Park and found that the plant was not working properly after the restoration from the destruction suffered during the January 2005 flooding. Staff was informed by Mr. Fiala, Park Manager, that discharged regeneration brines from water softener and the Park's ion exchange system commingled with the wastewater effluent to the land disposal area had ceased by the end of December 2004.
14. On August 18, 2005, the Regional Board issued the Permittee a NOV and Requirement to Submit Information letter pursuant to CWC 13267 for the violations found during the March 30, 2005 inspection. The letter also required additional information on the discharge of brine.
15. On October 14, 2005, the Permittee responded to the August 18, 2005 NOV and specified that the ion-exchange process was shut down in May 2004. The letter further explains that though there is no salt brine generated by the RO treatment unit, concentrated mineral rinse from the process continues to be discharged into the wastewater treatment plant.

Evidence of Contamination and Basis For Section 13304 Order

16. The Permittee violated the WDRs contained in Order No. 89-029 by discharging regeneration brine from the central ion-exchange system and RO reject brine into the effluent channel of the wastewater treatment plant from 1998 through 2004. The Permittee was repeatedly placed on notice and required to cease discharge of the brine in NOVs dated June 21, 2002, July 10, 2002 and on October 17, 2003. The Permittee has admitted to the illegal discharge of brine through various letters submitted to the Regional Board from 2002 through 2004. During the November 5, 2003 and January 6, 2004 inspections, Regional Board staff confirmed that brine was being discharged to the spray irrigation field. Although the ion-exchange process has been shut down in December 2004, it can be reactivated any time in the future. Furthermore, concentrated mineral rinse water from the RO unit continues to be discharged into the treatment plant as described by the Permittee in their October 14, 2005 letter.

Conclusion

17. The disposal of brine from water softeners, RO reject water and the central ion-exchange system into the wastewater treatment plant and the chlorination basin of the wastewater treatment plant constitutes a violation of WDR General Provision C.11 which states: "Regeneration brine from water softeners shall not be discharged to the treatment plant" and Effluent Limitation Section A.1, which states, "Waste discharged shall be limited to treated domestic wastewater only, as proposed."
18. This Order is an action taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act in accordance with California Code of Regulations, title 14, section 15321.

IT IS HEREBY ORDERED, pursuant to California Water Code section 13304, that Santiago Associates, LLC comply with the following in its operations at the Paradise Ranch Mobile Home Park:

- A. Cleanup and abate the condition of pollution by implementing the following actions:

Cleanup And Abatement Order No. R4-2006-0011
Paradise Ranch Mobile Home Park

Page 4

- i) Immediately initiate a cleanup and abatement program. Eliminate the discharge of brine from water softeners, RO reject water and the central ion-exchange system into the wastewater treatment plant and the chlorination basin of the wastewater treatment plant. Immediately abate any impacts of the illegal discharge of brine to the watershed resources.
 - ii) Advise the Regional Board on a monthly basis of the efforts being made to cleanup and abate this condition of pollution;
 - iii) Complete the cleanup and abatement program by June 20, 2006. On or before June 20, 2006, determine the extent of, and investigate the water quality and beneficial use impacts resulting from the completed cleanup and abatement program. Submit the results of the program to the Regional Board on or before June 20, 2006.
- B. A California registered civil engineer, professional geologist or registered certified specialty geologist shall conduct or direct the investigation and cleanup program. All technical documents shall be signed by and stamped with the seal of the above-mentioned qualified professionals.
- C. This Order is not intended to stop or redirect any investigation, cleanup, and remediation programs ordered by this Board or any other agency.
- D. The Permittee shall reimburse the Regional Board all reasonable and necessary costs incurred by Regional Board staff to investigate the Permittee's unauthorized discharges of waste and to oversee cleanup of such wastes, abatement of the effects thereof, or other remedial actions.
- E. This Order in no way limits the authority of the Board, as contained in the California Water Code, to institute additional enforcement actions or to require additional investigation and cleanup pertinent to this project. This Order may be revised by the Executive Officer, as additional information on this project becomes available.
- F. Consistent with California Water Code Section 13304, The Regional Board's authorized representative(s) shall be allowed:
- Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
 - Access to copy any records that are stored under the conditions of this Order;
 - Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - The right to photograph, sample, and monitor the Park for the purpose of ensuring compliance with this Order, or as otherwise authorized by the California Water Code.
- G. The Permittee shall submit 30-day advance notice to the Regional Board of any planned changes in name, ownership, or control of the Park and shall provide 30-day advance notice of any planned physical changes to the Park that may affect compliance with this Order. In the event of a change in ownership or operator, the Permittee also shall provide 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order, and shall submit a copy of this advance notice to the Regional Board.

Cleanup And Abatement Order No. R4-2006-0011
Paradise Ranch Mobile Home Park

Page 5

- H. The Executive Officer is authorized to take appropriate action, pursuant to sections 13268, 13304, 13350 or 13385 of the California Water Code, against the Permittee for any noncompliance with this Order, including assessment of penalties in the amount of up to \$5,000.00 per day for each day on which any technical data requested by this Cleanup and Abatement Order is not submitted.
- I. Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, either administratively by the Regional Board or judicially by the Superior Court, in accordance with sections 13350 or 13385 of the California Water Code and/or referral to the Attorney General of the State of California for action deemed appropriate.
- J. Pursuant to California Water Code section 13320, an aggrieved person may seek review of this Order by filing a petition within 30 days of the date of this Order with the State Water Resources Control Board (SWRCB). The petition must be sent to the SWRCB, P.O. Box 100, Sacramento, CA 95812.
- K. The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC sections 13262, 13264, 13304, 13331, 13340 and 13386.
- L. Furthermore, the Regional Board may also request the United States Attorney, appropriate county District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

Ordered by:


Jonathan Bishop
Executive Officer

Date: March 20, 2006